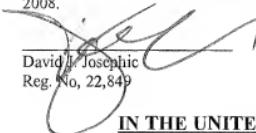


PATENT

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted via EFS-WEB on September 22, 2008.



David J. Josephic
Reg. No. 22,849

September 22, 2008

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/790,643
Filed: March 1, 2004
Examiner: Robinson, Daniel Leon
Confirmation No.: 9762
Art Unit: 3742
Applicant[s]: Ronnie Howard, Frank D. Lauch
Title: Method and Apparatus for Dispensing a Liquid Beverage Containing Real Milk Solids
Atty. Doc.: MTECH-11

Cincinnati, Ohio 45202

September 22, 2008

MAIL STOP Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICIAL ACTION

This Reply is responsive to the Office Action mailed September 8, 2008, setting forth an Election/Restrictions Requirement.

Responsive to the Group Restriction Requirement, Applicants hereby elect Method Group 1, namely, claims 1-2, 4, 5, 7, 9, 11, and 13-14. Furthermore, responsive to the species election requirement, Applicants hereby elect species B, of water, stabilizer and ambient temperature and pressure.

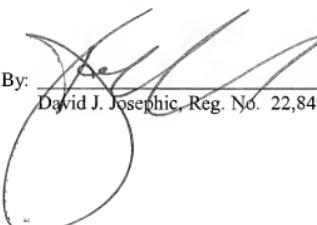
Furthermore, claims encompassing the elected species B include: All the claims of Group 1, namely, 1, 2, 4, 5, 7, 9, 11, and 13-14. Claim 1 is generic.

Applicants hereby make the elections without waiver of the right of rejoinder.

If any questions arise concerning the further prosecution of this case, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

By:


David J. Josephic, Reg. No. 22,849

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